

REMARKS

Receipt of the office action nailed March 22, 2005 is acknowledged. Claims 1, 4 and 7 are at issue any application, with claims 2-3, 5-6 and 8-16 withdrawn. Claims 1, 4 and 7 have been rejected as being anticipated by any one of Lukowski, Acuff, Hansen, Dammeyer, or Kokura. New claim 17 is submitted herewith. In keeping with the foregoing amendments and the following argument, reconsideration of the rejected claims and allowance of the newly submitted claim is respectfully requested.

Claim 1 has been amended to positively recite, in part, that the loading arm is raisable and lowerable about the generally horizontal axis. The signal is directed from a vertically fixed position upwardly towards a load handling position, or is directed downwardly from a vertically fixed position to a vertically fixed receiver coupled to the body.

By comparison, on the Lukowski reference, the lifting forks – which are not a loader arm in any event – raise and lower by sliding up and down the mast, and thus the lifting forks do not raise and lower by pivoting about a generally horizontal axis. Further, the signal of Lukowski is sent horizontally, and is thus disposed in a horizontal plane. Thus, the signal is never directed upwardly or downwardly as claimed. Finally, because the signaling device is attached to the pallet, the signaling device cannot be located in a vertically fixed position. Instead, the signaling device would move upwardly and downwardly as the pallet is moved. Consequently, the reference cannot anticipate claim 1.

Acuff cannot anticipate claim 1, because the light assembly 10 is attached to the forks of the forklift, and the light assembly therefore moves up and down as the forks are moved up and down. See Figs. 1a and 1b. Moreover, like the Lukowski reference discussed above, there is no loader arm that raises and lowers at least about a horizontal axis. Instead, the Lukowski forks slide up and down a mast. Consequently, the Lukowski reference cannot anticipate claim 1.

Nor can the Hansen reference anticipate claim 1, because the light generating assembly 24 is attached to the forks of the forklift, and therefore the assembly 24 moves up and down as the forks are moved up and down. Consequently, the assembly 24 is not vertically fixed. Further, like the references discussed above, the Hansen device does not have a loader arm that raises and lowers by pivoting about a horizontal axis, but instead uses forks that slide up and down a mast. Consequently, the Hansen reference cannot anticipate claim 1.

With respect to the Dammeyer reference, a review of any one of Figs. 14-16 reveals that vision system or camera 90 moves up and down as the forks slide up and down on the supporting masts of the forklift device. Consequently, the camera 90 does not direct the signal from a vertically fixed position. Moreover, because the Dammeyer reference is another forklift device, once again there is no loader arm pivotable about a horizontal axis. Consequently, the Dammeyer reference cannot anticipate claim 1.

With respect to the Kokura reference, the detecting device is "attached to a lift bracket or a fork" and therefore the detecting device moves up and down with the forks. Therefore, the device is not located in a fixed vertical position. Further, once again the reference is a fork lift truck device and does not have a loader arm that raises or lowers by pivoting about a horizontal axis. Consequently, the Dammeyer reference cannot anticipate claim 1.

Furthermore, none of the foregoing references can be used to support a *prima facie* case of obviousness. None of the references contains any teachings or suggestions to use a loader arm device in place of the disclosed forklift devices. There would be no suggestion to make the change without using applicant's disclosure as a template. Also, there would be no suggestion to modify the location or function of any of the vision systems, detecting systems, etc., of the above-discussed references, without destroying the express teachings of each and

every one of those references. Once again, none of the foregoing references can be used to establish a *prima facie* case of obviousness. Accordingly, claim 1 is an allowable form.

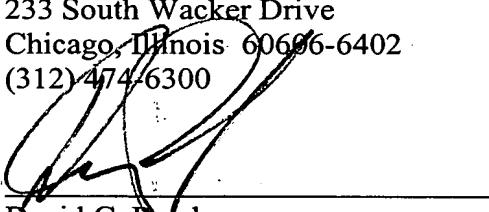
All remaining claims under consideration depend from claim 1.

Accordingly, this application is now in condition for allowance. If there are matters that can be discussed by telephone to further the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

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